IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.103 OF 2002
IN
SUMMARY SUIT NO.3718 OF 2001

Kosmos Graphics ..Plaintiffs

Vs.

Kalpana Art Studio ..Defendants

Mr.D.R.Mehta i/b Dhruv Liladhar and Co. for the plaintiffs

CORAM : S.U.KAMDAR, J
DATED : 17TH OCTOBER, 2005

P.C.:

1. The present suit is filed for the recovery of Rs.6,40,965.60 being principal amount of Rs.4,85,580/- and interest of Rs.1,55,385.60. The said claim arises out of goods sold and delivered. There was a notice issued on 23.5.00 but there was no reply. In that view of the matter, the present suit is filed. Since the defendant has filed Vakalatnama, Summons for Judgment was taken out. The same was originally dismissed for default on 11.3.03 but on an application taken out being Notice of Motion No.1327-03 the Summons for Judgment was restored. Thereafter plaintiff were

directed to give notice once again to both the advocate for defendant as well as defendant. Advocate for defendant has accepted the service but the envelope addressed to the defendant has returned back saying Company is locked. One of the partner has infact also accepted the service. Inspite of the same none appears for the defendants.The learned counsel for the plaintiffs undertakes to file affidavit of service within one week from today. The said affidavit of service to be filed both by advocate for defendant as well as defendant. In that view of the matter, Summons for Judgement is made absolute. Suit is decreed with simple interest @ 12% p.a. from the date of the suit till payment and/or realisation. Suit as well as summons for judgment are disposed of accordingly. Refund of court fee as per rules. No order as to costs.